

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

April 09, 2024
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KENARD M. COLLINS,)
Plaintiff,) Civil Action No. 7:22cv00608
v.)
C/O H.C. HESS, *et al.*,)
Defendants.)
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MEMORANDUM OPINION
By: Hon. Thomas T. Cullinan
United States District Judge

Plaintiff Kenard M. Collins, proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. On March 4, 2024, the defendants filed a partial motion to dismiss concerning Collins’s claims 1–4,¹ and on March 5, 2024, the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005). (See ECF Nos. 18 & 21.) The *Roseboro* notice gave Collins 21 days to file a response to the motion to dismiss and advised him that, if he did not respond to the defendants’ motion, the court would “assume that [he] has lost interest in the case, and/or that [he] agrees with what the Defendant[s] state[] in their responsive pleading[].” (ECF No. 21.)

To date, Collins has not responded to the defendants' motion, the court assumes he concedes the challenge to claims 1-4, and those claims will therefore be dismissed. Accordingly, only Collins's claim 5 against defendant Lowe remains.

¹ The defendants filed an answer as to Collins's claim 5 against defendant Lowe. (See ECF No. 20.)

The Clerk is directed to send copies of this Memorandum Opinion and accompanying Order to the parties.

ENTERED this 9th day of April, 2024.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE